

An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The hourglass is light blue and has a dark blue cap at the top. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The text is centered within the hourglass.

WikiLeaks Document Release

<http://wikileaks.org/wiki/CRS-98-313>

February 2, 2009

Congressional Research Service

Report 98-313

House Rules Committee Hearings on Special Rules

Megan Suzanne Lynch, Government and Finance Division

November 19, 2008

Abstract. When the Rules Committee reports a resolution on the order of business, commonly called a "rule" or "special rule," the committee usually has two purposes in mind: first, to make it in order for the House to consider a measure that was reported by another committee; and second, to govern how the House will debate, amend, and vote on that measure.

WikiLeaks



CRS Report for Congress

House Rules Committee Hearings on Special Rules

Megan Suzanne Lynch
Analyst on the Congress and Legislative Process
Government and Finance Division

When the Rules Committee reports a resolution on the order of business, commonly called a “rule” or “special rule,” the committee usually has two purposes in mind: first, to make it in order for the House to consider a measure that was reported by another committee; and second, to establish the terms under which the House will debate, amend, and vote on that measure. Before reporting a special rule, the Rules Committee typically holds a hearing at which Members appear as witnesses to discuss both questions: whether the House should consider the bill at issue; and, if so, how the bill should be considered. Unlike the hearings held by other House committees, only Members testify before the Rules Committee on proposed special rules. For more information on legislative process, see [<http://www.crs.gov/products/guides/guidehome.shtml>].¹

The first and primary witnesses at a Rules Committee hearing almost always are the chairman and ranking minority member of the committee (or committees) that considered the bill. Subcommittee leaders also may testify. In addition, other interested Members of the House often request the opportunity to appear as witnesses during the hearing on a proposed special rule. There are at least four reasons why a Member may make such a request.

The Merits of the Bill. If the Rules Committee decides not to report a special rule concerning a certain bill, that bill is unlikely to reach the House floor and pass by majority vote. Although the effect of a special rule is procedural, the Rules Committee hearings frequently involve discussions of the merits of the bill for which a rule is being considered. Members may testify before the committee to stress their support for, or opposition to, the bill on its merits.

The Timing of Floor Action. When the Rules Committee does report a special rule, the House usually acts on it promptly. If a majority votes for the rule, the House usually soon begins floor consideration of the bill that the rule makes in order. Therefore, Members may testify before the committee to express a preference for when the bill in question should be considered on the floor. For example, the Members may stress the importance of acting on the bill as soon as possible. Instead, they may encourage the

¹ Stanley Bach, former Senior Specialist at CRS, originally wrote this report. The listed author updated this report and is available to respond to inquiries on the subject.

committee to defer action temporarily, perhaps arguing that additional time is needed to revise the bill before it is suitable for floor action.

Points of Order Affecting the Bill. The special rule for considering a bill may waive points of order that Members otherwise could make on the floor against consideration of the bill, the bill itself, or amendments to the bill. Members may testify before the Rules Committee on whether the committee should include such waivers in its resolution. For example, Members may argue that moving forward with legislation is urgent, and therefore, could request a waiver of the requirement that the committee report on a bill be available for three days before the bill is eligible for floor consideration. In other cases, Members may be concerned about the effect of the bill on the federal budget or the congressional budget process, and therefore, they could oppose waivers of one or more provisions of the Congressional Budget Act or related laws.

The Amendments to be in Order. Perhaps the most controversial substance of a special rule is its indication of whether amendments to the bill will be permitted on the floor. Often, special rules preclude Members from proposing some or all amendments, even though those amendments satisfy all the requirements of the House's regular procedures. Such restrictive rules have become increasingly common during recent decades. In the contemporary House, a common form of restrictive rule is one that makes in order only the amendments which are printed in the written report that the Rules Committee prepares to accompany the special rule it approves.

If Members want to offer certain floor amendments to a bill, they often ask to appear at the Rules Committee's hearing on the bill in order to encourage the committee to write a rule that does not preclude their amendments from being considered. Alternately, Members may wish to offer floor amendments that violate the rules of the House. In such cases, they may request that the Rules Committee specifically make their amendments in order, and waive whatever points of order Members otherwise could make against the amendments. Members also may testify to express their position on specific amendments that other Members want to offer on the floor.

When the Rules Committee contemplates reporting a restrictive rule (or a closed rule that prohibits individual Members from offering any floor amendments), the committee normally informs Members in advance, usually by a statement that the committee chairman or another committee member makes on the House floor. In these cases, the committee often requests that, if Members want the committee to consider making their amendments in order on the floor, the Members should submit a specified number of copies of their amendments to the Rules Committee by a certain deadline.

It is often in Members' interests to take the initiative to contact members of the Rules Committee or its staff to discuss when the committee intends to hold its hearing on a certain proposed rule and to learn what form that rule is likely to take. Such conversations give Members an opportunity to express their opinions and preferences at an early stage. This can be particularly helpful because, even before the Rules Committee holds its hearing on a proposed special rule, the majority party members of the committee (and the minority party members) often have made some decisions about the form and content of the rule that they intend to support.